

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: AUTOMOTIVE PARTS ANTITRUST LITIGATION	:	No. 12-md-02311
	:	Hon. Marianne O. Battani
	:	
THIS DOCUMENT RELATES TO:	:	
All End-Payor Actions	:	

**END-PAYOR PLAINTIFFS' UNOPPOSED MOTION FOR AN
EXTENSION OF THE CLAIMS-FILING DEADLINE**

Co-Lead Class Counsel for the End-Payor Plaintiffs (“EPPs”) hereby move the Court for an extension of the claims-filing deadline—a deadline that expired on March 16, 2020—until June 18, 2020. This extension is requested as a result of the cyber attack experienced by the Claims Administrator for the Settlement Classes, Epiq Class Action & Claims Solutions, Inc., on February 29, 2020 that took the online claims-filing process offline during the final days of the existing claims-filing window. Epiq was only able to resume its online claims-filing systems on March 20, 2020, and EPPs seek a 90-day extension of the deadline beyond that date, which is June 18, 2020. EPPs believe the requested extension is also appropriate in light of the COVID-19 public health emergency. Defendants have been notified and do not oppose this request.

Date: March 23, 2020

Respectfully submitted,

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*Interim Co-Lead Counsel for the Proposed
End-Payor Plaintiff Classes*

MEMORANDUM OF LAW

Co-Lead Class Counsel for the End-Payor Plaintiffs (“EPPs”) seek an extension of the claims-filing deadline—a deadline that expired on March 16, 2020—until June 18, 2020. This extension is requested as a result of the cyber attack experienced by the Claims Administrator for the Settlement Classes, Epiq Class Action & Claims Solutions, Inc. (“Epiq”).

On February 29, 2020, Epiq experienced a cyber attack that required Epiq to take its systems offline globally as part of its comprehensive response plan. *See* ECF No. 2042-1, Declaration of Brian A. Pinkerton ¶ 2. This attack has resulted in an inability of individuals visiting the Settlement Class Website, www.autopartsclass.com, to file claims online during the last few weeks of the existing claims-filing window. *Id.* ¶¶ 2-4. It also impacted the availability of the toll-free number and Settlement Website for the Auto Parts End-Payor Settlements. *Id.* ¶ 2. It further affected the printing and mailing systems affiliated with these settlements. *Id.* Mail-in filing remained available, but the .pdf version of the claims form was temporarily unavailable via the Settlement Class Website.

Co-Lead Class Counsel have been advised that to the best of Epiq’s knowledge, no claimant data has been accessed, viewed, copied, extracted or compromised, including data related to the Auto Parts Settlements or Settlement Class Members. *Id.* ¶ 3. As soon as limited functionality to post materials on the Settlement Class Website returned on March 13, 2020, Epiq posted a message informing potential claimants that “the online claim form portion of the Settlement Website is offline due to a systems outage.” The Website further explained that Co-Lead Class Counsel intended to request an extension of the claims deadline as a result of the situation. That same day, Co-Lead Class Counsel notified the Court of its intent to request such an

extension. ECF No. 2042. Copies of that filed notice were posted on the Settlement Class Website on March 13, 2020.

As of Monday, March 16, 2020, Epiq was able to post a .pdf version of the claims form to the Settlement Class Website. Online claims filing was not able to resume until March 20, 2020, after the current claims-filing deadline of March 16, 2020.

Co-Lead Class Counsel respectfully request that the Court extend the claims-filing deadline 90 days beyond when the online filing capabilities once again became functional. Although Kinsella, EPPs' class notice expert, and Co-Lead Class Counsel do not believe it is necessary to address any Due Process concerns, they seek the requested extension to enable filers who were unable to complete their filings due to the ransomware attack to do so. Co-Lead Class Counsel and Epiq attempted to address all claimant questions they received despite the technological limitations. And Epiq will endeavor to notify all those who tried to submit a new claim, update a claim, or provide any other information to the Claims Administrator during or just before the outage period of the need to provide that information again through a notice on the Website. In addition, Epiq will post notice of any claims-filing extension on the Website. An email blast has already been sent to all known, potentially affected claimants informing them of the outage.

Co-Lead Class Counsel also believe that the requested extension is appropriate in light of the COVID-19 public health emergency. Notably, at the very end of the existing claims-filing window, the COVID-19 pandemic became widespread in the United States, which also may have impacted the ability of some individuals to file claims and will likely continue to affect claims filing, which is another reason why Co-Lead Class Counsel have decided that a 90-day extension is appropriate.

Upon entry of an order granting EPPs' motion, Co-Lead Class Counsel and Epiq will work with Kinsella to provide notice to the Classes of the claims-filing extension via on-line and other media outlets.

For the foregoing reasons, Co-Lead Counsel respectfully request an extension of the claims-filing deadline until June 18, 2020.

Date: March 23, 2020

Respectfully submitted,

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